



King County

Dow Constantine

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June 2, 2022

The Honorable Claudia Balducci
Chair, King County Council
Room 1200
C O U R T H O U S E

Dear Councilmember Balducci:

This letter transmits a proposed Ordinance that would, if enacted, authorize the King County Executive to execute a settlement agreement with the Suquamish Tribe (Tribe) related to wastewater overflow events at the County's West Point Treatment Plant (WPTP) and two Combined Sewer Overflow (CSO) treatment plants.

In July 2020, the Tribe filed a 60-day notice of Intent to Sue under the Clean Water Act regarding overflow events at WPTP and Elliott West and Alki CSO treatment plants, citing violations of the County's National Pollutant Discharge Elimination System permit that governs discharges into Puget Sound. Approval of the settlement agreement would resolve the dispute, authorize payment for a mitigation fund and environmental project(s), and ensure completion of certain infrastructure projects at WPTP.

The proposed Ordinance would establish a Tribal Mitigation Fund (fund) and the County would pay \$2.5 million into the fund as full compensation for overflow events occurring during the past five years and any possible future overflows through December 31, 2024. Starting January 1, 2025 through December 31, 2026, the County would pay \$50,000 into the fund for any emergency bypass event at WPTP, regardless of volume. This agreement will not require a supplemental budget.

As part of this agreement, King County will also fund one or more supplemental environmental projects in the amount of \$2.4 million. Some options that parties may choose from are described in Section III of the Settlement Agreement, Attachment A to the proposed Ordinance. The project(s) will be chosen jointly by the County and Tribe.

King County agrees to complete power supply and voltage sag mitigation projects and replace the four existing raw sewage pumps at WPTP. The County previously identified projects to address these issues and work is underway. The Tribe will waive its right to sue the County through December 31, 2026, for violation of the Clean Water Act or any other potential cause of action related to unauthorized wastewater overflow events or permit violations.

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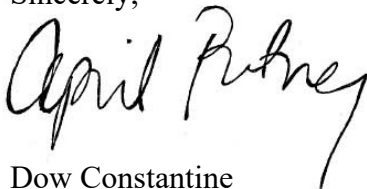
The proposed legislation furthers the King County Strategic Plan goal of efficient, accountable regional and local government by aligning funding with the Tribe's community priorities and concerns. The proposed legislation also furthers the Strategic Climate Action Plan goal of sustainable and resilient frontline communities by investing in the community-driven policies of the Tribe.

King County has engaged the Tribe in developing this agreement and the Tribe has approved and signed the agreement as transmitted to the Council.

Thank you for your consideration of this proposed Ordinance. This important legislation will invest in the continued long-term partnership between King County and the Suquamish Tribe.

If your staff have any questions, please contact Kamuron Gurol, Division Director of the Wastewater Treatment Division of the Department of Natural Resources and Parks, at 206-263-5767.

Sincerely,

 for

Dow Constantine
King County Executive

Enclosure

cc: King County Councilmembers

ATTN: Stephanie Cirkovich, Chief of Staff

Melani Pedroza, Clerk of the Council

Shannon Braddock, Chief of Staff, Office of the Executive

Karan Gill, Deputy Chief of Staff, Office of the Executive

Mina Hashemi, Council Relations Director, Office of the Executive

Christie True, Director, Department of Natural Resources and Parks (DNRP)

Kamuron Gurol, Division Director, Wastewater Treatment Division, DNRP